

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3
4 UNITED STATES OF AMERICA,
5 Plaintiff,
6 v.
7 JOHN ANTHONY MILLER,
8 Defendant.

Case No. 2:23-cr-00221-JAD-DJA

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

9
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. On May 1, 2024, defense counsel filed a sealed motion expressing concerns
14 about Mr. Miller's mental competence under 18 U.S.C. § 4241(a) and asking this Court to order
15 a psychiatric or psychological evaluation and hold a hearing.

16 2. On May 13, 2024, the government filed a notice of non-opposition.

17 3. For the reasons set forth in their motion, defense counsel cannot proceed to trial
18 with Mr. Miller until their concerns about his competency are resolved.

19 4. Mr. Miller is incarcerated.

20 5. The parties agree to the continuance.

21 6. The additional time requested herein is not sought for purposes of delay, but to
22 allow defense counsel for defendant sufficient time to effectively review discovery with Mr.
23 Miller and pursue any necessary investigation.

24 7. Additionally, denial of this request for continuance could result in a miscarriage
25 of justice. The additional time requested by this Stipulation is excludable in computing the time
26 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United

1 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
2 Section 3161(h)(7)(B)(i), (iv).

3 **CONCLUSIONS OF LAW**

4 The ends of justice served by granting said continuance outweigh the best interest of the
5 public and the defendant in a speedy trial, since the failure to grant said continuance would be
6 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
7 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
8 account the exercise of due diligence.

9 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
10 United States Code, Section § 3161 (h)(7)(A), when considering the factors under Title 18,
11 United States Code, § 3161(h)(7)(B)(i), (iv).

12 **ORDER**

13 IT IS THEREFORE ORDERED that the parties herein shall have to and including
14 August 26, 2024 to file any and all pretrial motions and notice of defense.

15 IT IS FURTHER ORDERED that the parties shall have to and including September 9,
16 2024 to file any and all responses.

17 IT IS FURTHER ORDERED that the parties shall have to and including September 16,
18 2024 to file any and all replies.

19 IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed
20 jury instructions, and a list of the Government's prospective witnesses must be electronically
21 submitted to the Court before noon on November 18, 2024.


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1 IT IS FURTHER ORDERED that the calendar call currently scheduled for August 12,
2 2024, at the hour of 1:30 p.m., be vacated and continued to November 18, 2024 at the hour of
3 1:30 p.m.; and the trial currently scheduled for August 27, 2024, at the hour of 9:00 a.m., be
4 vacated and continued to December 3, 2024 at the hour of 9:00 a.m.

5 DATED this 29th day of May, 2024.

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8 Jennifer A. Dorsey
9 United States District Judge
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